



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Hedy Chang, Council Member	Hedy Chang, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, MAY 5, 2004

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 2

2.

CONFERENCE WITH LABOR NEGOTIATOR:

Legal Authority: Government Code Section 54957.6
Agency Negotiators: City Manager, City Attorney, Human Resources Director

Executive Management Group 1-A

Chief of Police
Director of Business Assistance & Housing Services
Director of Community Development
Director of Finance
Director of Public Works/City Engineer
Human Resources Director
Recreation and Community Services Manager
Assistant to the city Manager
Council Services and Records Manager

Middle Management Group 1-B

Police Lieutenant
Deputy Director of Public Works
Assistant City Attorney
Assistant Director of Finance
Chief Building Official
Human Resources Supervisor
Planning Manager
Senior Civil Engineer
Senior Project Manager/Community Buildings
Budget Manager
Business Assistance and Housing Services Manager
Police Support Services Supervisor
Senior Planner
Project Manager
Utility Systems Manager
Recreation Supervisor
Secretary to the City Manager

Confidential Non-Exempt Employees Group 1-C

Administrative Analyst
Secretary to the City Attorney
Accounting Technician
Human Resources Assistant

3.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Legal Authority	Government Code 54957
Public Employee Performance Evaluation:	City Attorney
Attendees:	City Council, City Attorney

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

“Bike to Work Week” - May 11 thru May 17, 2004
“National Public Works Week” - May 18 thru May 24, 2004
Deputy Director Public Works Bjarke

Peace Officer’s Memorial Day
Interim Police Chief Cumming

PRESENTATIONS

Earth Day Art & Science Fair and the Annual Environmental Poster Contest - Winners
Assistant to the City Manager Eulo

Police Department Bike Patrol
Police Lieutenant Booten
Corporal Reno

CITY COUNCIL REPORT

Council Member Carr

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)
PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME

**THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-6 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **RECWARE CONTRACT ADDENDUM FOR AQUATICS CENTER** 1
Recommended Action(s): Authorize the City Manager to Execute an Addendum to the Existing RecWare Software Contract in the Amount of \$20,000.

2. **APPROVE PURCHASE ORDER WITH PIVOT INTERIORS FOR FURNISHINGS, FIXTURES
AND EQUIPMENT (FF&E) FOR THE POLICE FACILITY AT 16200 VINEYARD BOULEVARD** 37
Recommended Action(s): Authorize the City Manager to Approve a Purchase Order in the Amount of \$175,625 with Pivot Interiors for Furnishings, Fixtures and Equipment (FF&E) at the New Police Facility.

3. **APPROVE PURCHASE AND INSTALLATION OF THE COMMUNICATIONS TOWER FOR
POLICE FACILITY AT 16200 VINEYARD BOULEVARD** 43
Recommended Action(s): Authorize the City Manager to Approve a Purchase Order in the Amount of \$47,774 to L.D. Strobel Company for the Installation of the Police Department Communications Tower from the Furnishings, Fixtures and Equipment (FF&E) Funds of the New Police Facility.

4. **BI-ANNUAL VACANCY RATE SURVEY** 51
Recommended Action(s): Establish the Bi-Annual Vacancy Rate for April 2004 as Recommended by the Planning Commission.

5. **2003-2004 CITY WORKPLAN, THIRD QUARTER UPDATE** 65
Recommended Action(s): Accept Third Quarter Update of the 2003-2004 Workplan.

6. **ADOPT ORDINANCE NO. 1673, NEW SERIES** 87
Recommended Action(s): Waive the Reading, and **Adopt** Ordinance No. 1673, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADDING SECTION 18.76.020(56.5) (Definitions – Tobacco Advertising Sign) AND AMENDING SECTION 18.76.250 (Commercial and Industrial Zone Signs – Window Signs) OF CHAPTER 18.76 (Sign Code) OF TITLE 18 (Zoning) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING REGULATION OF TOBACCO ADVERTISING SIGNS.**

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 7-9

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
7.	<u>AGREEMENT WITH THE LAW FIRM OF ENDEMAN, LINCOLN, TUREK & HEATER</u>	93
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute an Agreement with the Law firm of Endeman, Lincoln, Turek & Heater.	
8.	<u>APPROVAL OF COST SHARING AGREEMENT WITH SANTA CLARA VALLEY WATER DISTRICT FOR LLAGAS CREEK FLOOD PROTECTION (PL 566) TECHNICAL STUDIES</u>	105
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> Appropriation of \$300,000 from Current Year Unappropriated RDA Fund Balance for This Project; and	
	2. <u>Authorize</u> the City Manager, Subject to City Attorney Review and Approval, to Execute a Cost Sharing Agreement with the Santa Clara Valley Water District for the Accomplishment of Technical Studies Related to the Design of the Llagas Creek Flood Protection Project.	
9.	<u>APPROVE MINUTES OF THE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF APRIL 21, 2004</u>	109

City Council Action

CONSENT CALENDAR: (continued)

ITEM 10

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
10.	<u>ADOPT ORDINANCE NO. 1672, NEW SERIES</u>	133
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1672, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1549, NEW SERIES, TO ALLOW AMENDMENT OF THE APPROVED GATEWAY CENTER PLANNED UNIT DEVELOPMENT LOCATED AT 18605 MONTEREY ROAD. (APPLICATION ZAA-01-05: MONTEREY – SOUTH VALLEY DEVELOPERS) (APN 764-10-004).	

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
11.	5 Minutes	<u>PROTEST, PRO-04-02: ANNEXATION ANX-02-02: COCHRANE-BORELLO II</u>	141
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Resolution of Intent to Hold a Public Hearing on the "Protest Proceeding" at the Regular Council Meeting of June 2, 2004.	
12.	15 Minutes	<u>COMMUNITY DEVELOPMENT USER FEE ADJUSTMENTS</u>	151
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> the Resolution Revising Fees and Service Charges.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
13.	15 Minutes	<u>CONDUCT HEARING AND CONSIDER ADOPTION OF RESOLUTION OF NECESSITY FOR PROPERTY ACQUISITION FOR PROPOSED TENNANT AVENUE WIDENING</u>	181
		<u>Recommended Action(s):</u> 1. <u>Adopt</u> Resolution of Necessity for a Portion of Property Identified as APN 817- 004-006 for the Proposed Tennant Avenue Widening Project; and 2. <u>Approve</u> the Expenditure of \$82,750 for Property Identified as APN 817-004-006, Plus Escrow and Closing Costs for the Acquisition of this Property.	

City Council Action

CONSENT CALENDAR: (continued)

ITEM 14

	Time Estimate		Page
		Consent Calendar: 1 - 10 Minutes	
14.		<u>APPROVAL OF RIGHT OF WAY PURCHASE AGREEMENTS FOR TENNANT AVENUE WIDENING (APN: 817-04-002 AND 817-04-008)</u>	189
		<u>Recommended Action(s):</u> 1. <u>Approve</u> Purchase; and 2. <u>Authorize</u> the City Manager to Execute Purchase Agreements, Subject to Approval as to Form by City Attorney, with the Owners of APN 817-04-002 and APN 817-04-008 for Total Compensation of \$95,000 and \$168,767 Respectively, plus Escrow and Closing Costs for the Acquisition of Portions of These Properties.	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
15.	15 Minutes	<u>WORKPLAN FOR THE DOWNTOWN PLAN</u>	195
		<u>Recommended Action(s):</u>	
		1. <u>Accept</u> the Workplan for the Downtown Plan; and	
		2. <u>Direct</u> Staff to Schedule Future Council Workshops to Discuss the Recommendations and Findings of the Traffic Study Regarding Monterey Road and the Parking Management Plan.	

City Council Action

OTHER BUSINESS: (continued)

	Time Estimate		Page
16.	10 Minutes	<u>STATUS OF REGIONAL SOCCER COMPLEX PROJECT</u>	221
		<u>Recommended Action(s): Council Discretion.</u>	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT